

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Sean Lee Ellis,

Civil No. 11-1906 (RHK/LIB)

Plaintiff,

**ORDER**

vs.

Elizabeth Hughes, et al.,

Defendants.

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Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 4) is **ADOPTED**;
2. Plaintiff's Application to Proceed Without Prepayment of Fees (Doc. No. 2) is **DENIED**;

and

3. This action is **DISMISSED WITHOUT PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 22, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge